



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. McTIGUE  
DIRECTOR

May 4, 1993  
AO-93-11

Matthew V. DiMarco  
Taxpayers for Equity in Education  
P.O. Box 74  
North Attleboro, MA 02761

Re: Public Employee Involvement in Political Activity

Dear Mr. DiMarco:

This letter is in response to your February 22, 1993, letter requesting an advisory opinion as to the extent public employees may become involved in political activity.

You have stated that you and others have formed and registered with the Town of North Attleboro as the Taxpayers for Equity in Education (TEE). You plan to solicit contributions and conduct political activity regarding educational issues<sup>1</sup>, and you have asked this office what involvement public employees, other than elected officials, may have in this activity.

Section 13 of M.G.L. c.55 of the campaign finance law sets forth significant restrictions on a public employee's involvement in political activity:

No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town<sup>2</sup> shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees . . .

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1. Although not related to your general question regarding public employees, you should be aware that the campaign finance law requires that any political committee formed to support or oppose a ballot question must dissolve after the question is decided by the voters in accordance with the so-called residual funds clause. See M.G.L. c.55, s.18.

2. In this opinion the term "public employee" is used to refer to any person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town.

Any public employee who violates these provisions is subject to fines and imprisonment and possible removal by the appointing authority.

Thus, section 13 prohibits public employees from directly or indirectly soliciting or receiving any thing of value for political campaign purposes or for any political purpose whatsoever and provides sanctions for public employees who violate this section.

This office has advised that public employees must refrain from any activity which indicates support, in a material way, for the fundraising efforts of a candidate or political committee or for any other political purpose. For example, a public employee may not sell tickets to a political event even though not formally organized or characterized as a fundraiser (AO-92-19), a public employee may not present a check to a candidate if subsequent publicity of the event is used to solicit funds for a prohibited political purpose (AO-92-33), public employees may not permit their names to be listed on political committee stationery as officers or members if such stationery is to be used to solicit funds for the political committee (AO-84-02), public employees are prohibited from hosting or permitting a political fundraising party at their homes (AO-84-06). This office has further advised that public employees have a responsibility to use reasonable care to ensure that they are not knowingly participating in a fundraising event or permitting their participation in such an event to be use for political fundraising purposes.

In short, public employees should not be involved in any way with the receipt or raising of contributions for a political cause. Public employees may, however, become involved in other political activities that do not involve fundraising.

For example, public employees may be a member of a political committee, other than treasurer, and may participate in activities such as sign holding, leafletting, or wearing or carrying buttons or bumper stickers. However, public employees must exercise care to insure that they do not use public resources for political purposes in violation of the principles enunciated in Anderson v. City of Boston, 376 Mass. 178 (1978). See also M.G.L. c.55, s.7.

In the Anderson case the Massachusetts Supreme Judicial Court ruled that public resources may not be used to promote or oppose a ballot question in a city or town. In the office's opinion that prohibition extends with equal force to the use of public resources to support or oppose candidates or political parties. Therefore, public employees should be careful not to use any public resources whatsoever, including offices or office space, copying machines, paper, or postage, for a political effort. Such employees are also prohibited from conducting any political activity during regular work hours, or placing bumper stickers or signs on public vehicles.

In addition to the above provisions of the campaign finance law, you should also be aware of other important sections of chapter 55 which address public employee involvement in political activity or related matters which I note below and are also included in this Office's "A Guide to Political Activity for State, County and Municipal Employees."

Section 14 of M.G.L. c.55 states: "No person shall in any building or part thereof occupied for state, county or municipal purposes demand, solicit or receive any payment or gift of money or other thing of value for the purposes set forth in section thirteen."

Section 15 of M.G.L. c.55 states: "No officer, clerk or other person in the service of the commonwealth or of any county, city or town shall, directly or indirectly, give or deliver to an officer, clerk or person in said service, or to any councillor, member of the general court, alderman, councilman or commissioner, any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever."

Section 16 of M.G.L. c.55 states: "No person in the public service shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so."


Section 17 of M.G.L. c.55 states: "No officer or employee of the commonwealth or of any county, city or town shall discharge, promote, or degrade an officer or employee, or change his official rank or compensation, or promise or threaten so to do, for giving, withholding or neglecting to make a contribution of money or other valuable thing for a political purpose."

In conclusion, public employees may participate in political activity provided that they refrain from participating in any political fundraising whatsoever, and that all political activity is conducted on their own time, without the use of any public resources. For your information, I have enclosed this office's interpretative bulletin's OCPF-IB-92-01 and OCPF-91-01 as well the so-called residual funds clause.

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Very truly yours,



Mary F. McTigue  
Director

Enclosures  
MFM/wp